

APPEAL NO. 032414  
FILED OCTOBER 28, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 1, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of \_\_\_\_\_, does not include a bilateral shoulder injury or a hiatal hernia, but does include hemorrhagic gastritis, and that the correct amount of travel expense reimbursement for the claimant's treatment with Dr. B is \$65.24 based on roundtrip mileage of 186.4 miles. The claimant appeals the determination that his compensable injury does not include a bilateral shoulder injury or a hiatal hernia. The respondent (carrier) urges affirmance. There is no appeal of the hearing officer's determinations on the issues of travel expense reimbursement or hemorrhagic gastritis.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. The claimant had the burden to prove that his compensable injury includes a bilateral shoulder injury and a hiatal hernia. Conflicting evidence was presented on the disputed issue of the extent of the compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination that the compensable injury does not include a bilateral shoulder injury or a hiatal hernia is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ST. PAUL FIRE & MARINE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Margaret L. Turner  
Appeals Judge